

1 Joseph R. Re (SBN 134479)  
joe.re@kmob.com  
2 Joseph F. Jennings (SBN 145920)  
joe.jennings@kmob.com  
3 Matthew S. Bellinger (SBN 222228)  
matt.bellinger@kmob.com  
4 KNOBBE, MARTENS, OLSON & BEAR, LLP  
5 2040 Main Street, Fourteenth Floor  
Irvine, CA 92614  
6 Telephone: (949) 760-0404  
7 Facsimile: (949) 760-9502

8 Karen A. Gibbs (SBN 178690)  
kgibbs@appliedmedical.com  
9 Applied Medical Resources Corporation  
22872 Avenida Empresa  
10 Rancho Santa Margarita, CA 92688  
11 Telephone: (949) 713-8000  
Facsimile: (949) 713-8206

12 Attorneys for Plaintiff  
13 APPLIED MEDICAL RESOURCES CORPORATION  
14  
15  
16

17 THE UNITED STATES DISTRICT COURT  
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
19 SOUTHERN DIVISION

20 APPLIED MEDICAL RESOURCES  
21 CORPORATION,

22 Plaintiff,

23 v.

24 TYCO HEALTHCARE GROUP LP d/b/a  
COVIDIEN,

25 Defendant.  
26  
27  
28

} SACV11-01406 JVS (ANx)  
} Consolidated with SACV13-24  
} JVS (ANx) and SACV14-87 JVS  
} (ANx)

} **JUDGMENT**

1 Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the Court  
2 enters judgment as described herein in this matter involving Applied Medical  
3 Resources Corporation (“Applied”); Gaya Limited (“Gaya”); and Covidien LP,  
4 Covidien Sales LLC, and Tyco Healthcare Group LP d/b/a Covidien  
5 (collectively, “Covidien”). This judgment is entered further to the Court’s  
6 Order on Applied’s Motion for Judgment on the Pleadings as to Gaya’s Unjust  
7 Enrichment and Conversion Claims dated June 17, 2013 (Docket No. 146) and  
8 the Court’s Findings of Fact and Conclusions of Law dated July 11, 2014  
9 (Docket No. 415).

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

11 1. Gaya’s claims against Applied for Unjust Enrichment and  
12 Conversion are preempted by federal patent law.

13 2. Applied’s U.S. Patent Nos. 7,473,221, 7,481,765, 8,016,755,  
14 8,105,234, and 8,496,581 (collectively, “the Applied Patents”) correctly list  
15 Richard C. Ewers, John R. Brustad, Edward D. Pingleton, Nabil Hilal, Gary R.  
16 Dulak, Payam Adlparvar, and Robert R. Bowes as named inventors. No  
17 individuals associated with Gaya, including Donal Bermingham, Martin  
18 Caldwell, Christy Cummins, or Damien Rosney, are sole or joint inventors of  
19 any of the inventions claimed in the Applied Patents. Therefore, Gaya’s and  
20 Covidien’s claims under 35 U.S.C. § 256 are hereby denied.

21 3. Any motion requesting that this judgment be certified as a final  
22 judgment pursuant to Fed. R. Civ. P. Rule 54(b) shall be filed within thirty (30)  
23 days from the date this judgment is entered.

24 ///

25 ///

26 ///

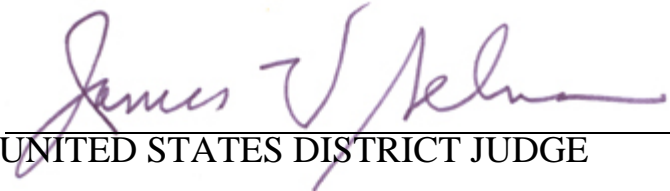
27 ///

28 ///

1           4.     Applied need not file any request for fees and/or costs pursuant to  
2     Fed. R. Civ. P. Rule 54(d) relating to the issues addressed in this judgment until  
3     thirty (30) days after entry of a final judgment that disposes of all remaining  
4     issues in this consolidated action.

5  
6           **IT IS SO ORDERED.**

7  
8     Dated: July 25, 2014

  
UNITED STATES DISTRICT JUDGE

9  
10  
11  
12  
13  
14     18436344  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28